

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NIKKI STIVERS,

Plaintiff,

v.

LAWRENCE “LARRY” MURRAY, et al.,

Defendants.

CASE NO. CV04-2466C

ORDER

This matter comes before the Court on the Federal Way Defendants’ Motion to Extend Expert Report Deadline with Regard to Dr. Green’s Independent Medical Examination and Report (Dkt. No. 23), the King County Defendants’ Response thereto (Dkt. No. 27), and the Federal Way Defendants’ Reply (Dkt. No. 28). Having reviewed the materials submitted by the parties, and having determined that oral argument is not necessary, the Court hereby finds and rules as follows:

Neither Plaintiff nor the King County Defendants oppose the request for an extension of the deadline to serve Dr. Green’s expert report. However, the King County Defendants have requested that the Court limit the permissible use of Dr. Green’s expert report by precluding both Plaintiff—in her rebuttal to the report’s opinions—and the Federal Way Defendants from using the extension as a means to offer expert opinions about the propriety of the health care Plaintiff received while in King County Jail.

1 The Court construes the King County Defendants' request as a preemptive challenge to Dr.
2 Green's qualifications to offer opinions on matters beyond his medical examination. The Court finds no
3 reason for imposing such a limitation. The King County Defendants have not cited, and the Court has
4 been unable to locate, any legal authority that would justify limiting the use of an expert report before the
5 contents of the report are even known. To the extent that the King County Defendants find any portions
6 of Dr. Green's forthcoming expert report objectionable, they are free to challenge the substance of the
7 report, the expert's qualifications, the report's admissibility, or the scope of the report, according to the
8 methods prescribed in the Federal Rules of Civil Procedure at the appropriate time in the litigation.

9 For the reasons set forth in this Order, the Federal Way Defendants' Motion to Extend Expert
10 Report Deadline With Regard To Dr. Green's Independent Medical Examination and Report is
11 GRANTED. The King County Defendants' request for a limitation on the report's use is DENIED. The
12 Federal Way Defendants must serve a copy of Dr. Green's report on the parties no later than three days
13 after their receipt of the report. The Federal Way Defendants will also be permitted to call Dr. Green as
14 an expert witness at trial. This Order applies only to Dr. Green's examination and report.

15 SO ORDERED this 28th day of April, 2006.

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18 John C. Coughenour
United States District Judge
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